

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HARVEY C. LEE,
Plaintiff,

v.

Civ. Action No. 06-2716 (KSH)

LYDELL SHERRER, SUE ROERTY, JAMES
F. BARBO, GERALD T. KENNEDY,
RICHARD CEVASCO, LORETTA HATEZ,
and DEVON BROWN in their individual
capacities, and THE STATE OF NEW
JERSEY, NEW JERSEY DEPARTMENT OF
CORRECTIONS, NORTHERN STATE
PRISON,

Defendants.

ORDER

Katharine S. Hayden, U.S.D.J.

For the reasons stated in the opinion filed herewith,

IT IS on this 31st day of March, 2009,

ORDERED that defendants' motion for summary judgment (D.E. 78) is **denied**.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.